

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA

Benjamin Heyward,	)	C/A No. 6:13-2982-JFA-KFM
	)	
Plaintiff,	)	
	)	
v.	)	ORDER
	)	
South Carolina Department of Corrections;	)	
Larry Cartledge; Mr. Williams; and Mr. Church,	)	
	)	
Defendants.	)	
	)	

The *pro se* plaintiff, Benjamin Heyward, filed this action pursuant 42 U.S.C. § 1983. The Magistrate Judge<sup>1</sup> has prepared a Report and Recommendation wherein he suggests that the plaintiff's motion to dismiss should be granted. The defendants have replied to the motion stating that they have no opposition to the dismissal. The Report sets forth in detail the relevant facts and standards of law on this matter, and the court incorporates such without a recitation.

After a careful review of the record, the applicable law, the Report and Recommendation, the court adopts the Magistrate Judge's recommendation and incorporates it herein by reference.


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<sup>1</sup> The Magistrate Judge's review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02. The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of those portions of the Report to which specific objection is made and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1).

Accordingly, this action is dismissed without prejudice pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure. All other motions are moot.

IT IS SO ORDERED.

July 29, 2014  
Columbia, South Carolina

  
Joseph F. Anderson, Jr.  
United States District Judge